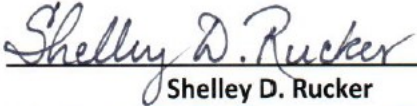




**SO ORDERED.**

**SIGNED this 29th day of July, 2021**

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.  
PLEASE SEE DOCKET FOR ENTRY DATE.**

  
Shelley D. Rucker  
CHIEF UNITED STATES BANKRUPTCY JUDGE

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**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE EASTERN DISTRICT OF TENNESSEE**

**In re:**

**North American Royalties, Inc.,**

**Debtor.**

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)  
)

**No. 1:01-bk-17271-SDR  
Chapter 7**

**ORDER**

On July 12, 2021, creditor Gordon P. Street, Jr. Revocable Living Trust filed an application for payment of unclaimed funds, through a representative named Asset Recovery Trust. (Doc. No. 2694.) The application included documents indicating that three co-trustees of the creditor were granting the representative a power of attorney for the purpose of obtaining the unclaimed funds. (Doc. No. 2696 at 1–2.) The documentation for the application appearing at Doc. No. 2696 contained signatures for two of the co-trustees but was missing a signature for co-trustee Susan C. Street. Based on the missing signature, the Court issued an order on July 22,

2021 giving the claimant through August 20, 2021 to submit supplemental documentation. (Doc. No. 2701.)

On July 28, 2021, Alfred Melone, the representative of the claimant who filed the application, contacted chambers to explain that he mailed the application in hard copy to the Clerk's Office and that the hard copy included a signature page for Ms. Street. Upon further investigation, the Court learned that the Clerk's Office did have Ms. Street's signature page in hard copy but failed to scan it when uploading the application to CM/ECF. That page was added to the record at Doc. No. 2704.

Under statutory requirements and due process principles, the Court is required to "hold unclaimed funds until properly petitioned by the rightful owners of the funds." *In re Bradford Prod., Inc.*, 375 B.R. 356, 361 (Bankr. E.D. Mich. 2007) (quoting *In re Transport Grp., Inc.*, Nos. 93-30015, 93-30016, 2007 WL 1083887, at \*1 (Bankr. W.D. Ky. Apr. 9, 2007)). The 'rightful owner' of unclaimed funds paid into the court under 11 U.S.C. § 347(a) "is the holder of the proof of claim on account of which the trustee made the distribution." *In re Applications for Unclaimed Funds*, 341 B.R. 65, 69 (Bankr. N.D. Ga. 2005). "In these cases, the individual creditors are the 'rightful owners' and, as such, only they may petition the Court for turnover of unclaimed funds." *Bradford*, 375 B.R. at 361 (internal quotation omitted); *see also In re Dubose*, 555 B.R. 41, 44 (Bankr. M.D. Ala. 2016). The burden of proof lies with the party seeking the funds to show its right to the unclaimed funds. *Id.* (internal quotation omitted); *see also In re Acker*, 275 B.R. 143, 144 (Bankr. D.D.C. 2002) ("The burden is on the Claimant to demonstrate that it is entitled to the funds sought.") (citing *Hansen v. United States*, 340 F.2d 142, 144 (8th Cir. 1965)). Here, with the inclusion of Ms. Street's signature, the Court is

satisfied that the power of attorney included in the application was properly executed and that the claimant otherwise has satisfied its burden to show its rights to the unclaimed funds. The Court thus grants the claimant's application and directs the Clerk's Office to arrange for the disbursement of \$9,765.12 in the manner specified in the proposed order that accompanied the application.

Additionally, the Court orders the Clerk's Office to upload again the document that was sent to the Court which does include Ms. Street's signature page. The docket text for this filing will include the following notation: "Note: The document filed at Doc. No. 2696 erroneously omitted a signature page for Susan Street when scanned into the record. This document replaces that document and is accurately reflected as having been received on July 12, 2021."

The Clerk's Office is directed to send a copy of this Order, by first-class mail, to the claimant at the following address:

Gordon P. Street, Jr. Revocable Living Trust  
c/o Asset Recovery Trust  
P.O. Box 4296  
Costa Mesa, CA 92628

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